

Minister for Public Finance, Planning and Community Wealth

RECALLED APPEAL: RESIDENTIAL DEVELOPMENT OF UP TO 70 DWELLINGS AND CEMETERY, WITH ASSOCIATED ENGINEERING WORKS AND LANDSCAPING, LAND 160M SOUTH OF BROADGATE HOUSE, CAMPSIE ROAD, STRATHBLANE

Purpose

1. To seek your agreement to dismiss the recalled appeal and refuse planning permission for the above development, in line with the reporter's recommendation.

Priority

2. Routine.

Recalled appeal

3. The application was refused by Stirling Council in November 2017 and subsequently the subject of an appeal. A reporter issued a delegated decision, dismissing the appeal, but that decision was quashed by the Court of Session in June 2019. The appeal must therefore be re-determined.

4. Ministers recalled the appeal for their own determination in September 2019. The appointed reporter has now provided a report for Ministers, which has been updated following the publication of the Council's housing land audit for 2020.

Proposed development and site

5. The appeal seeks planning permission in principle for a development of up to 70 houses and a cemetery with associated engineering works and landscaping, on a greenfield site of approximately 11 hectares, adjacent to the village of Strathblane in the Stirling Council area.

6. The site lies within the Green Belt, and includes land safeguarded for a cemetery, both as shown in the Stirling Local Development Plan (LDP) (2018).

Consultations / representations

7. Scottish Environment Protection Agency (SEPA) withdrew an initial objection in relation to flood risk (on the basis that the appellant states no development is proposed in the functional floodplain). SEPA continues to object on the grounds that there is insufficient information on private water supplies that might be affected and on ground conditions.

8. Historic Environment Scotland (HES) initially objected on the basis of the proposed development's effect on the setting of the scheduled Neolithic longbarrow within the site boundary. It withdrew its objection following the submission of a development parameter plan which has provision to protect the monument's setting. HES considers there would still be an adverse impact on the setting of the monument, but not one of national significance.

9. The Council received 92 representations from members of public, including 87 objections, and DPEA received several further representations. Strathblane Community Council and the Strathblane Green Belt Committee object on several grounds. The objections raised various points including that the development is not allocated; there is sufficient land allocated for housing; the site is remote from public transport and facilities; and concerns in relation to impacts on local infrastructure, the character of the area, visual amenity, archaeology, wildlife and flood risk.

10. There were 2 representations in support of the proposals, raising points that the development would benefit local businesses; put pressure on the council to upgrade the primary school and library; is in keeping with the neighbouring development; and would not impact the nature of the village.

Summary of Reporter's consideration

11. The Reporter has taken account the original submissions to the previous reporter appointed in this appeal, and the submissions made to him. He assesses the proposal against relevant policies of the Stirling LDP 2018 and also takes into account other material considerations including Scottish Planning Policy.

12. He considers that the main matters in this appeal include whether there is a shortfall in the existing five-year effective housing land supply, and if so, roughly how great a shortfall there is, and whether there is otherwise evidence of unmet demand for housing in Stirling or Strathblane in particular. Other main matters include the proposed development's compliance with the LDP's spatial strategy, and its effects on the green belt, landscape and visual effects, accessibility, flood risk, socio-economic effects and sustainability overall.

13. The Reporter acknowledges that the proposed development is not on a site allocated for housing in the development plan, and is contrary to the LDP policy on housing in the countryside. He however confirms that Scottish Planning Policy (SPP) and Policy 2.1 of the LDP can provide policy support for housing development on unallocated sites where there is a shortfall in the five-year effective housing land supply.

14. He considers three methods that have been advanced for calculating the five-year target (the amount of effective land required for a five-year effective housing land supply) – two methods suggested by the appellant, and the 'average method' used by the 2020 Housing Land Audit (HLA). He expresses a preference for the 'average method' but finds that there is a shortfall in the five year effective housing land supply no matter which calculation method is used. The Reporter revisited housing completion programming set out in the HLA and concluded that some housing sites identified as effective in the HLA should not be regarded as such. He calculated that there was a shortfall in the five year effective housing land supply, rather than a surplus as indicated by the HLA.

15. The Reporter finds that the proposal is not ‘small-scale expansion’ of Strathblane as envisaged in the LDP’s spatial strategy. He considers that the development would be contrary to LDP policies on placemaking, green belts and landscape change. He also considers the development would contribute to an unsustainable growth in car-based commuting, contrary to relevant policy in the LDP and SPP.

16. He concludes that the proposed development would not preserve the setting of the scheduled Broadgate Mound, but taking account of the compensation proposed (including tree removal and vegetation management) considers this would not in itself warrant refusal of permission. He is also satisfied that the proposal would satisfy relevant flood risk policy. He does not consider that the infringement of the LDP’s safeguarding of land for a cemetery, or the proposal to provide a cemetery elsewhere on the site, has any great weight in the determination of the appeal.

17. The Reporter is satisfied that the development would not have an unacceptable effect on designated sites or protected species, and would include features that would somewhat enhance biodiversity locally.

18. In concluding, the Reporter considers that the degree of the proposed development’s inconsistency with the LDP’s vision, spatial strategy and sustainable development criteria, its failure to propose well-located housing and its conflict with other housing policies outweigh the policy support for maintaining a five-year effective housing land supply. He concludes that the proposed development does not accord with the development plan.

19. The Reporter acknowledges that the shortfall in the five year effective housing land supply means there is a ‘tilted balance’ in favour of the proposed development. He concludes that the proposed development would be contrary to SPP requirements in relation to its contribution to car-based commuting, effect on the landscape and failure to comply with placemaking criteria. The development would accord with certain sustainability principles but not with others. He finds the development is not sustainable overall. He concludes that even if the effective housing land supply is calculated by the appellant’s preferred method (the method resulting in the largest shortfall), the adverse effects significantly and demonstrably outweigh the benefits of the proposed development, notwithstanding the tilt on the balance in favour of the development.

20. The Reporter’s summary report is attached at Annex A for further information.

PAD consideration

21. The Reporter has considered all the evidence presented to him. PAD agrees with the Reporter’s conclusions and recommendation to dismiss the appeal and refuse planning permission, as summarised above. However we consider that for the purposes of determining this appeal, it is not necessary to accept all of the Reporter’s deductions from the audited land supply, nor the resultant figure he calculated as representing the effective housing land supply at the 2020 audit date (as discussed in paragraph 14 above). Even if the shortfall in the effective housing land supply is as large as that argued by the appellant, PAD agrees with the Reporter that the adverse effects of the proposed development would significantly and demonstrably outweigh its benefits, notwithstanding the steep tilt on the balance in favour of it. PAD agrees with the Reporter that the proposed development does not accord with the development plan,

and the material considerations do not indicate it should nonetheless be granted planning permission. The attached draft decision letter has been drafted accordingly.

Recommendation

22. We recommend that the Minister agrees that the appeal should be dismissed in line with the Reporter’s recommendation and that PAD issues the decision letter as attached in Annex B.

██████████
 Planning Decisions, Planning and Architecture Division
 9 February 2022

| Copy List: | For Action | For Comments | For Information | | |
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| | | | Portfolio Interest | Constit Interest | General Awareness |
| Cabinet Secretary for Finance and the Economy | | | X | | |

- DG Communities
- Director, LG&C
- ██████████, Chief Planner
- ██████████, Assistant Chief Planner
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Copy recipients should note that the recommendation is for the Minister for Public Finance, Planning and Community Wealth alone. Our advice to Ministers regarding this application should not be passed on to or discussed with anyone outside the Scottish Government, and any queries regarding this application should be referred to us in Planning and Architecture Division.

ANNEX A – REPORTER’S SUMMARY REPORT

Planning and Environmental Appeals Division
Summary of Report into Recalled
Planning Appeal



Scottish Government
Riaghaltas na h-Alba
gov.scot

Residential development for up to 70 dwellings and cemetery with associated engineering works and landscaping

| | |
|------------------------------------|--|
| • Case reference | PPA-390-2060-1 |
| • Case type | Recalled appeal (for re-determination) |
| • Reporter | Robert Seaton |
| • Appellant | Gladman Developments Ltd. |
| • Planning authority | Stirling Council |
| • Other parties | Strathblane Community Council and others |
| • Date of application | 30 May 2017 |
| • Date case received by DPEA | 14 June 2019 |
| • Method of consideration and date | Unaccompanied site inspections on 2 March 2020 and 14 October 2020. Further written submissions requested on <ul style="list-style-type: none">• 19 July 2019• 12 December 2019• 16 June 2020• 6 August 2020• 30 December 2020• 12 July 2021 |
| • Date of report | 7 October 2021 |
| • Reporter’s recommendation | Refuse |

The appeal site: The appeal site comprises fields currently used as pasture land, south of Campsie Road (A891) adjacent to the recent Braidgate development in the village of Strathblane. Within the site is a scheduled ancient monument, the Broadgate Mound. The Blane Water runs just within the site’s southern boundary and the Strathkelvin Railway Path, part of the John Muir Way runs just south of that. The development-plan examination for the adopted local development plan (the Stirling LDP 2018) rejected the allocation of the site for housing. The northwest part of the site is safeguarded in the LDP for development of a cemetery.

The appeal: The appeal is a re-determination, following the quashing by the Court of Session of a previous decision taken by a reporter. The appeal has been recalled by Ministers.

The development plan comprises the Stirling LDP and associated supplementary guidance.

Case for the appellant: There is insufficient housing land to provide a five-year effective-housing-land supply. Although the council's 2020 housing-land audit shows a small surplus, its method of calculating the amount of effective land required took no account of past housing completions. This has a significant effect on the assessment. The council's method followed that in PAN 1/2020, but that advice was quashed in the recent *Elan Homes* case.

Although there is no guidance on what method should be applied, a residual method, taking account of previous completions is consistent with the previous housing-land audit and with previous appeal decisions. If previous completions were not taken into account, it would not be clear if the housing-land requirement would be met or not. If previous completions are taken into account, it is clear that there is a significant shortfall of over 1,000 units.

The 2020 audit shows that housing delivery will be 1,266 units below the housing-land requirement to 2027. This demonstrates that the average method is inadequate in measuring housing delivery against the development-plan target.

The assessment of the amount of effective land in the 2020 audit has errors in it. Homes for Scotland disputed a number of sites in the 2019 audit on the basis they were ineffective. Although it does not dispute these sites in the 2020 audit, evidence has not been submitted to demonstrate the issues raised in 2019 have been overcome. The audit relies on delivery on two strategic sites. Their programming is over-optimistic. The audit relies on an assumption that 35 units a year will be delivered on unallocated sites. This is over-optimistic in the light of past delivery and double-counts windfall sites included in the audit. Various errors are made on affordable housing. A deduction to address these errors results in a supply of less than five years. Separately, even if accurate, the 2020 audit's conclusion that there is sufficient supply relies on delivery on unallocated windfall sites, such as the appeal site would be.

The proposed development does not comply with certain policies of the LDP: the site is not allocated for residential development and lies within the greenbelt. However, the proposed development has the support of LDP policy 2.1 (the five-year effective-housing-land supply). This policy requires the maintenance of such a supply. It is intended to provide for release of additional land to meet the LDP housing-land requirement. Policy 2.1 sets out criteria for approval of new sites to assist in securing a five-year effective-housing-land supply.

Although the LDP spatial strategy indicates only small-scale expansion of settlements is permissible in the plan's Rural Villages Area of which Strathblane is part, it is based upon an assumption that the LDP would release enough land for development to secure a five-year effective-housing-land supply. It does not. The proposed development is of moderate scale and is not out of keeping with the scale or character of allocations in Strathblane or elsewhere in the Rural Villages Area or other nearby villages.

The landscape- and visual-impact assessment (LVIA) demonstrates that the proposed development is capable of successful assimilation into the landscape. It

would not harm the role or function of the green belt or cause unacceptable harm to the landscape character or visual amenity of the village, its setting or its approaches.

The proposed development's effect on the setting of the Broadgate Longbarrow would not be such as to justify a refusal of the proposed development on the basis of LDP policy 7.1 (archaeology and historic building recording).

There is no reasonable prospect of the land safeguarded in the LDP for cemetery use being delivered. The proposed cemetery site is suitable. The appellant's proposals for the cemetery would bring the council significantly further towards being able to deliver required additional cemetery capacity in Strathblane than it is at present.

The proposed development would be a suitable distance from the settlement's centre, facilities and public transport. Although the recommended walking distances would be slightly exceeded, they are acceptable.

The proposed development is required to address local housing needs. It would have socio-economic benefits arising from construction, provision of affordable housing and the gift to the council of cemetery land. It would improve biodiversity and promote active travel and recreation for residents. These considerations weigh in its favour.

The proposed development accords overall with the development plan. Given the shortfall in the five-year effective-housing-land supply, SPP creates a tilted balance in favour of the proposed development. The balance lies in favour of the proposed development. There are no considerations that would significantly or demonstrably outweigh the contribution of the proposed development to the five-year effective-housing-land supply. There are no material considerations that would indicate refusal.

Case for the council: The proposed development would be in the Strathblane green belt contrary to LDP policy 1.5. It would also be contrary to the plan's restriction on housing in the countryside in LDP policy 2.10.

The 2020 housing-land audit indicates that there is a five-year effective-housing-land supply in the Stirling LDP area. The sites disputed in the 2019 audit were properly included in that audit. The 2020 audit was undisputed. The assumption of 35 completions on unallocated sites was examined in the LDP examination and found to be justified. It is in line with the number of completions last year.

Even if there was a shortfall in the five-year effective-housing-land supply, the proposed development would not have the support of LDP policy 2.1.

The spatial strategy permits controlled small-scale expansion of settlements like Strathblane in the Rural Villages Area. In that area, development is constrained by accessibility and landscape considerations. The proposed development would not be small-scale expansion. It would not comply with the spatial strategy.

The proposed development would threaten the openness of the green belt and, cumulatively with the Braidgate development, be perceived as sprawl. There is

insufficient design information to demonstrate that the proposed development would be capable of assimilation into the landscape. Consequently it would not accord with LDP primary policies 1 or 9.

The proposed development would not be accessible, in the sense that there is limited public transport and the bus stops are outwith the recommended walking distance. There are limited village facilities. The proposed development would be unsustainably reliant on travel by private car and would be contrary to the policy in SPP paragraph 76 against unsustainable growth in car-based commuting.

Notwithstanding the withdrawal of Historic Environment Scotland's objection, the proposed development would have an adverse effect on the setting of the Broadgate Mound, and would be contrary to LDP policy 7.1.

The proposed cemetery would be in a significantly less favourable location than the safeguarded site. The proposed gift of the cemetery land is not a material consideration.

While the proposed development would have economic benefits, some are temporary, while others could be obtained from construction of housing elsewhere in a location consistent with the spatial strategy.

Overall the proposed development would not accord with the development plan and there are no material considerations that would indicate permission should be granted nonetheless.

Case for Strathblane Community Council: The proposed development is contrary to the local development plan. It is in the green belt. It would have an unacceptable effect on the landscape and setting of the village and would set an undesirable precedent for green-belt development elsewhere. The LVIA identifies a number of adverse effects, but in some cases the effects would be greater than assessed. The development would not be in character with the village.

There is not capacity for the proposed development in local schools. There is not capacity for it at the Strathblane waste-water-treatment plant. The proposed development would not be within the recommended distance from bus stops. The bus service is inadequate anyway. Residents would be largely Glasgow commuters, commuting by car. The assessment of the proposed development's effect on the junction of Campsie Road (A891) with the A81 is not accurate and traffic generation is underestimated. The effect on the junction would be unacceptable. The appeal site frequently floods. The development would be at risk in a 1:200 year flood. The development would have an adverse effect upon the setting of Broadgate Mound. There is a potential for disturbance of underground archaeology. The relocation of the proposed cemetery puts it at an unacceptable distance from the village and has an unacceptable landscape effect.

The proposed houses are not of a type required in the village. The evidence does not show a shortfall in housing-land supply. The proposed development would not be sustainable and does not accord with the development plan. Grant of permission is not supported by other material considerations.

Reporter’s reasoning: The proposed development is not on a site allocated for housing in the development plan, and is acknowledged to be contrary to policy 2.10 on housing in the countryside. Both SPP and policy 2.1 of the LDP can provide policy support for housing development on unallocated sites where there is a shortfall in the five-year effective-housing-land supply.

Housing-land supply: Notwithstanding that the 2020 audit was not disputed by Homes for Scotland, the evidence before me in this appeal is such that I consider certain sites should be deducted from the 2020 audited housing-land supply as ineffective before calculation of whether there is a five-year effective-housing-land supply. These include certain of the sites Homes for Scotland alleged were ineffective in respect of the 2019 audit: At site H152 (South of Fisher Place, Buchlyvie) there is an acknowledged access constraint. As regards site H052 (Former Stirling Royal Infirmary), evidence has not been provided of its being programmed by NHS Forth Valley for disposal for development. Site H153 (South of A81, Strathblane) has been granted permission for 11 houses, rather than the 20 assumed in the audit. Furthermore, to address double-counting, a deduction of 15 completions per year (75 in total) should be made from assumed completions on windfall sites. While the programming of the strategic Durieshill development appears realistic in the 2020 audit, it is not unlikely the programming of the strategic East Plean development will slip, given its history to date and lack of permission. I have adjusted its programme by one year. In other respects, the audit draws credibility from the process of consultation and consensus by which it was arrived at, and the evidence supplied by the appellant is not such as to indicate the audited housing-land supply arising from that process is incorrect.

Scottish Ministers have acknowledged, following *Gladman Developments v the Scottish Ministers* [2020] CSIH 28 (referred to in this report as *Gladman 2020*), that the amount of effective land required for a five-year effective-housing-land supply (the five-year target) is to be calculated from the housing-land requirement set by the LDP, not the housing-supply target. Three methods have been advanced for calculating the five-year target:

- The method preferred by the appellant, which takes account of house completions in plan years before the audit year, shows a shortfall of over 30 percent when my deductions from supply are made. This method, though, elides the difference between completion of new houses and supply of effective housing land, for which there are different requirements in the plan. Its implied assumption is that, if houses are not completed at a rate faster than the plan requires, there is policy support for additional housing land to be added to the supply. It is consequently irrational and leads to an inflated target.
- The appellant’s suggestion in its early submissions of an alternative method does not have the failings of its preferred method. It requires, however, a recalculation each year of a “housing-land requirement” from the residual housing-supply target as a basis for calculating the five-year target. It does not use the actual housing-land requirement identified in the LDP. Consequently, this method does not appear to be consistent with the court’s comment in *Gladman 2020* that the housing-land requirement identified in the plan is the basis of the calculation.
- The 2020 audit uses a method that ignores house completions in plan years before the audit year. It simply pro-rates the 12-year LDP housing-land

requirement for the five years from the audit year. Using this “average method”, following my deductions from the audited supply, there is a small shortfall in the five-year effective-housing-land supply. The method, however, arrives at a figure for the five-year target that indicates a requirement for supply of effective land that is less than would be required to sustain house completions at a rate that would meet the plan’s residual housing-supply target, still less provide sixteen percent more land (the plan’s factor of generosity) than was required.

In my view, the last method, although flawed, is the only viable method of the three that is consistent with the court’s comment in *Gladman 2020*. Its use is consistent with my view, apparently confirmed by evidence of the pandemic, that there can be factors other than a failure in effective-housing-land supply that would cause a shortfall in house completions and therefore that adding effective land to the supply is not always the right approach to addressing a shortfall in previous years. When the average method is applied to identify the five-year target, the questions of whether there would be sufficient effective land to allow houses to be built at a rate that would allow the housing-supply target to be achieved and whether there would be sufficient land additional to that to address the plan’s generosity factor of 16 percent would be material considerations.

Since Ministers might disagree with me on this point, I have considered the outcome for each of the three methods in my reasoning.

Policy 2.1 includes a number of criteria to be met for the policy to support development. The issues raised in respect of these are considered next.

Compliance with the LDP spatial strategy and vision: When the proposed development is compared to the existing LDP allocations in Strathblane or in other settlements in tier 4 of the settlement hierarchy in the Rural Villages Area, it is not consistent with the scale of those allocations. Consequently, I find it is not “small-scale expansion” of Strathblane as envisaged in the plan’s spatial strategy. A consideration of whether the proposed development is of a scale that would prejudice the plan requires to take account both the degree to which the proposed development would achieve the aims of the sustainable-expansion policy applying to tier 4 settlements like Strathblane and the degree to which it would be subject to the constraints identified in primary policy 2 for the Rural Villages Area: landscape, accessibility, infrastructure, and biodiversity. I deal with these points in my conclusions.

Green belt and landscape: The proposed housing is likely to be perceived as sprawl in views of the settlement from the northeast, east, south and southwest. It would be in a relatively prominent position on the floor of the Rolling Valley Farmland and would disrupt the continuity of the green belt between the special landscape area of the Campsies and the higher landscape to the south and southwest of the settlement. It would extend the impression of urbanisation along Campsie Road, contrast with the low-density development to the north, close off views from the settlement edge across open countryside and towards Dunglass, and would be unlikely to integrate well visually with the neighbouring Braidgate development. Consequently it would be detrimental to the character of Strathblane. It would have an adverse effect on the green belt somewhat greater than that assessed in the LVIA. Given the perception of sprawl, it would also have a somewhat greater impact

on landscape than assessed. There would be adverse visual effects both in near views from Campsie Road and the Strathkelvin Railway Path and longer views from the A81, Dumbrock Moor, the Campsies and Dunglass. The proposed landscape planting would not be wholly successful in mitigating these effects. The proposed development would be contrary to LDP primary policy 1 (placemaking), policy 1.5 (green belts) and primary policy 9 (managing landscape change). The effect on landscape represents a constraint on development under primary policy 2.

Transport and accessibility: The transport assessment demonstrates that the proposed development would not have an unacceptable effect on the Campsie Road / A81 junction.

The proposed development is within the recommended walking and cycling distance of local shops and the primary school. However, the convenience shopping is limited and the journey to it would be relatively inconvenient from the proposed development. It is likely that the bulk of convenience shopping for the proposed development would be at locations outside Strathblane. It is also likely that most employed residents of the proposed development would commute out of Strathblane to work and secondary-school pupils would commute to school. The bus stops are not conveniently located for the proposed development and the bus services are infrequent. Some facilities, like the hospital, cannot be reached by bus. It is likely that the proposed development would be heavily dependent on the private car for most of such travel. In view of this, the proposed development would contribute to an unsustainable growth in car-based commuting. It would be contrary in this respect to LDP policy 3.1, primary policy 4(b) and SPP paragraph 76. Accessibility and lack of transport infrastructure would represent a constraint under LDP primary policy 2.

Historic Environment: The Broadgate Mound is a neolithic longbarrow of national significance. Its relationship with other landscape features is important to its setting. The proposed development would preserve important views along its axis to the river to the southwest and standing stone to the northeast. It would not preserve the open views along the valley to and from the monument. This would have an adverse effect on the setting. The proposed removal of trees, maintenance of the information board and management of vegetation on the monument would do much to compensate for this. Overall, the proposed development would not preserve the monument's setting, contrary to primary policy 7 but, taking account of the compensation proposed, this inconsistency is not of such weight as would result in refusal in the absence of other considerations weighing against the development.

Flood risk and drainage: The appellant's flood-risk assessment demonstrates that, subject to engineering measures to redirect floodwaters back to the Blane Water, the housing element of the development carried out in accordance with the proposed parameters would not flood in a 1:200-year flood and the proposed development would not increase the risk of flooding elsewhere. The proposed cemetery can be designed so that it does not have an adverse effect on floodplain conveyance.

Cemetery: Strathblane is in need of a new cemetery. The proposed development would occupy the cemetery site safeguarded by the plan. In this context, the appellant's proposal to provide a cemetery is capable of being a material consideration. The evidence does not demonstrate that either the safeguarded site

or the proposed site are suitable for development as a cemetery. Consequently, I do not consider either the infringement of safeguarding or the proposal to provide a cemetery to have any great weight in the appeal's determination. The somewhat less accessible location of the proposed cemetery from the settlement and church weighs slightly against the proposed development.

Socio-economic benefits: There would be socio-economic benefits from proposed development, including the temporary benefits from construction employment and expenditure and permanent benefits including increased expenditure by residents in and support for local facilities and the provision of affordable housing. These weigh in favour of the proposed development.

Biodiversity: The surveys provided by the appellant demonstrate that the proposed development would not have an unacceptable adverse effect on designated sites or protected species. The proposed development would include features that would somewhat enhance biodiversity locally.

Other matters: Further information would be required before detailed permission is granted in respect of the proposed development's effect on groundwater. The evidence does not suggest there is insufficient sewerage capacity for the proposed development, that additional school capacity would be required or that capacity at other local facilities is a consideration weighing against the proposed development.

Conclusions: LDP primary policy 2 and policy 2.1 deal with the maintenance of a five-year effective-housing-land supply and development on unallocated sites.

If any of the three methods for determining the five-year target for the effective-housing-land supply are applied, there is a shortfall. The degree of shortfall varies depending on the method, from slight using the average method to over 30 percent using the appellant's preferred method.

In case of a shortfall in the effective-housing-land supply, policy 2.1 applies a number of criteria to proposals for development of housing. Compliance with the following is at issue:

Consistency with the LDP's spatial strategy and vision: The proposed development would be constrained in respect of accessibility, transport infrastructure and landscape. Although it would potentially make up for any shortfall in meeting the aims of the sustainable-expansion policy for Strathblane (if it is assumed that housing site H153 is partly ineffective), this does not outweigh its effects on landscape and contribution to growth of unsustainable car-based commuting. The proposed development would not be compatible with the LDP's spatial strategy.

Although the LDP's vision sought a future with a range and choice of homes, the homes are to be well-located and in sustainable locations. The proposed development would not provide such homes. Nonetheless, I acknowledge the tension between the considerations in the vision and consider it further in addressing policy 2.1.

Meet the sustainable-development criteria: The proposed development would not improve the overall quality of the built environment, contrary to criterion 1, would not

reduce the need to travel or reliance on the private car contrary to criterion 3. It would not be consistent with the reduction in greenhouse gas emissions required by criterion 2 or with the protection of the historic environment required by criterion 6, or make efficient use of existing transport infrastructure, as required by criterion 10. Although there is support from criterion 11, since it would create net economic benefit for the area, overall, I find the proposed development does not meet the sustainable-development criteria.

Meet the overarching policy: The proposed development would address the shortfall in the five-year effective-housing-land supply, and thereby any constraint a lack of effective housing land is placing on the provision of new homes. In this sense it would address a community need. It would not reinforce the local sense of place, integrate well with Strathblane, conserve the historic or natural environment or be consistent with the spatial strategy, vision or relevant sustainable development criteria. Overall, the balance of policy considerations would not favour the proposed development and it would consequently not meet the overarching policy. Nonetheless, I acknowledge the tension between the policy considerations and consider it further in addressing policy 2.1.

Meet all other relevant LDP policies: The proposed development would not meet primary policies 1, 4, 7 or 9 or policies 1.5 or 3.1.

In determining whether policy 2.1 will support a proposed development on an unallocated site, a balance should be struck between the degree of shortfall in the five-year effective-housing-land supply and the degree of any inconsistency with the policy's criteria. The degree of the proposed development's inconsistency with the plan's vision, spatial strategy and sustainable-development criteria, its failure to propose well-located housing or be likely to create a vibrant, mixed and healthy neighbourhood and its conflict with other planning policies outweigh the policy support for maintaining a five-year effective-housing-land supply. This is so, even where the five-year target is determined by the appellant's preferred method and so the shortfall in the five-year effective-housing-land supply is greatest. Overall, therefore, the criteria of policy 2.1 are not met. The proposed development is subject to constraints referred to in primary policy 2. Consequently I find that the proposed development is not supported by primary policy 2 or policy 2.1. It does not accord with the development plan.

Scottish Planning Policy:

The shortfall in the five-year effective-housing-land supply means that there is a tilted balance in favour of the proposed development.

The proposed development would be contrary to SPP requirements in respect of the reliance it would create on the private car and contribution to car-based commuting, its effect on the landscape and its failure to comply with placemaking criteria. The proposed development would accord with certain sustainable-development principles. It would provide socio-economic benefits in terms of affordable housing and an economic boost to Strathblane from the temporary spending and spending of the new population in local shops. It would not accord with other sustainability principles, in view of its adverse effects on the character and setting of the settlement and on local amenity, its contribution to unsustainable car-based commuting, its lack of accessibility to public transport and, consequently, inefficient use of existing infrastructure and failure to contribute to climate-change mitigation.

If the shortfall in the five-year effective-housing-land supply is calculated by the appellant's preferred method (producing the largest shortfall of the three methods) then the degree of shortfall would be such that it will outweigh certain environmental considerations. It may be that a degree of impact to landscape similar to that for the proposed development (and the minor adverse effect to the historic environment) would have to be accepted if a five-year effective-housing-land supply is to be achieved. However, I consider that the likely car-dependence of the proposed development and its contribution to an unsustainable growth in car-based commuting runs against the grain of SPP. I find that the proposed development is not sustainable overall. I consider consequently that the adverse effects significantly and demonstrably outweigh the housing-land shortfall, notwithstanding the tilt on the balance.

Overall conclusion: The proposed development does not accord with the development plan and there are no material considerations that indicate it should nonetheless be granted permission.

Recommendation

I recommend that planning permission be refused.

ANNEX B: DRAFT DECISION LETTER

Directorate for Local Government and Communities
Planning and Architecture Division : Planning
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Our ref: PPA-390-2060-1

[Date]

Dear Sir or Madam

DECISION NOTICE

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ('the Act') PLANNING APPEAL: Residential development for up to 70 dwellings and cemetery with associated engineering works and landscaping ('the proposed development')

1. This letter contains Scottish Ministers' decision on the planning appeal (ref: PPA-390-2060-1) by Gladman Developments Ltd against the decision by Stirling Council to refuse planning permission in principle for the above-mentioned development.

2. The application for planning permission (ref: 17/00434/PP) was made to the planning authority, Stirling Council, and refused by the authority on 7 November 2017 and is now the subject of an appeal to the Scottish Ministers. In exercise of the powers under paragraph 3(1) of Schedule 4 to the Act, Scottish Ministers directed, on 12 September 2019, that they would determine the appeal themselves.

3. The appeal was considered by means of procedure notices and unaccompanied site inspections which took place on 2 March 2020 and 14 October 2020 by Robert Seaton, a Reporter appointed by Scottish Ministers for that purpose.

4. The final updated report with the Reporter's recommendation was issued to Scottish Ministers on 7 October 2021. A copy of the Reporter's report ('the Report') is enclosed. Further details of the history and consideration of the case are provided in the Report.

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Reporter's Recommendation and Scottish Ministers' Decision

5. The Reporter has recommended that the appeal be dismissed and permission refused. Scottish Ministers have carefully considered all the evidence presented and the Reporter's conclusions and recommendations. For the reasons given below, Scottish Ministers agree with the Reporter's recommendation and refuse planning permission in principle for the Proposed Development. All references to paragraph numbers, unless otherwise stated, are to those in the Report.

The Proposals and Site

6. The appeal is in respect of an application for planning permission in principle for a development of up to 70 houses and a cemetery with associated engineering works and landscaping. The site is adjacent to the village of Strathblane and is a greenfield site extending to around 11 hectares. Further details of the proposal and the site are provided in paragraphs 1.1 to 1.11 of the Report.

The Reporters' Report

7. Chapter 1 of the Report includes a description of the proposed development and site; the planning history; and summaries of consultation responses, representations, the consideration of the case by Stirling Council, and the grounds of appeal. Chapter 2 summarises the policy context and material considerations and the cases for the appellant and council, and includes the Reporter's conclusions on the application of the 'tilted balance' and the main matters for consideration in this appeal.

8. Chapter 3 is on the issue of housing land supply. Chapter 4 deals with the question of compliance with the spatial strategy of the Local Development Plan. Green belt and landscape and visual effects are discussed in Chapter 5. The topics of transport and accessibility; historic environment; flood risk and drainage; the cemetery; socio-economic benefits; biodiversity; and other matters are covered in the subsequent Chapters 6-12. The Reporter's overall conclusions and recommendations are contained in Chapter 14.

Legal and policy context and determining issues

9. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires Ministers to determine planning appeals in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Stirling Local Development Plan 2018 ('the LDP') and associated supplementary guidance. Ministers agree with the Reporter's summary (in paragraphs 2.3-2.21) of relevant provisions of the development plan.

10. Ministers agree with the Reporter's list of main matters that required to be considered in this appeal (paragraph 2.77). These matters include whether there is a shortfall in the existing five-year effective-housing-land supply, and if so, roughly how great a shortfall there is. However, in this case, Ministers have reached their decision on the assumption that there is a shortfall as large as that argued by the appellant, rather than forming a concluded view as to the existence or level of any shortfall.

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Reporter's findings and conclusions

11. Ministers agree with the Reporter's findings and conclusions in Chapter 4 regarding the question of compliance with the LDP's spatial strategy, including that the proposed development would not be 'small-scale expansion' of Strathblane as envisaged in the plan (paragraph 4.30).

12. Ministers agree with the Reporter's findings and conclusions set out in Chapter 5 regarding the effects on the green belt, on landscape character and on visual amenity. These include the conclusion (in paragraph 5.34) that the proposed development would have an adverse effect on the setting and character of Strathblane, even after the proposed woodland planting matured (as explained in the preceding paragraphs 5.22-5.33). In addition, that there would be adverse effects on several local views (paragraphs 5.36-5.40 and 5.42) and an overall moderate adverse effect on the green belt (paragraph 5.34). Ministers note that the appellant acknowledges the proposed development would have an adverse effect on the openness of the green belt (paragraph 5.41). Ministers agree with the Reporter that the proposed development is contrary to LDP Primary Policy 1 (placemaking) since it does not respect the green belt, and to the requirement in LDP Policy 1.5 that it should not undermine the green belt's core role and function by its effects.

13. In paragraph 6.21, the Reporter agrees with the council and the appellant that the proposed development would not be likely to have an adverse effect on the operation of the mini-roundabout that forms the junction of Campsie Road (A891) with Glasgow Road (A81), or any other part of the road network. Ministers agree with this conclusion. Ministers also agree with the Reporter that the proposed development would increase reliance on private car use in a way that is not sustainable (paragraph 6.32), which is an adverse effect of the proposed development. Ministers agree that the proposed development would not be an accessible development in a sustainable location and would not be located so as to reduce travel demand (paragraph 6.34). In addition, that transport represents a constraint of the proposed development both in terms of infrastructure and accessibility under LDP Primary Policy 2 (paragraph 6.35).

14. Ministers agree with the Reporter that overall, the proposed development would not preserve the setting of the Broadgate Mound which is a scheduled monument, but also that it would not have a *significantly* adverse effect on the integrity of the setting. The presumption against development in LDP policy 7.1(a) regarding scheduled monuments is therefore not triggered, and the proposed development is not contrary to paragraph 145 of Scottish Planning Policy (SPP). Ministers agree with the Reporter that given the mitigation proposed, the inconsistency with Primary Policy 7 on the historic environment is a minor matter that would not *by itself* result in refusal of permission (paragraph 7.18).

15. Ministers agree with the Reporter's findings and conclusions in Chapter 8 regarding flood risk and drainage, including that the proposed development is capable of being designed so that it does not materially increase the risk of flooding elsewhere, and complies with LDP Primary Policy 5 on flood risk management, and flooding policy in SPP.

16. Ministers agree with the Reporter's reasoning in Chapter 9 regarding the matter of land safeguarded in the LDP for a cemetery and the appellant's proposal to

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provide land elsewhere on the appeal site for a cemetery. Ministers agree that there is a lack of certainty that a cemetery could actually be provided at the safeguarded site or on the land proposed by the appellant. In view of the Reporter's conclusion in paragraph 9.13, Ministers give this matter very little weight in the determination of this appeal.

17. Ministers agree with the Reporter's reasoning in paragraphs 10.5-10.7 regarding socio-economic benefits of the proposed development. Ministers acknowledge that there would be a benefit in terms of the provision of affordable housing in Strathblane. In addition, if the provision of a new cemetery came to pass, this would represent a benefit. Ministers share the Reporter's view that as regards other socio-economic benefits, these would be at least equally likely to arise from a development that was in accord with the development plan's spatial strategy. However overall, the socio-economic benefits do weigh in favour of the proposed development.

18. For the reasons set out in Chapter 11 on biodiversity, Ministers agree with the Reporter that the proposed development's effect on biodiversity does not represent a constraint, and that the proposed measures to improve biodiversity weigh in favour of the proposed development.

19. Ministers agree with the Reporter's findings and conclusions in Chapter 12 regarding the matters of groundwater/licensing for dewatering; the capacity of sewerage infrastructure, schools and other facilities; and the quality of pre-application consultation. None of these matters weigh against the proposed development.

20. Ministers agree with the Reporter's findings as set out in paragraph 14.1 that the proposed development is contrary to the LDP's Policy 2.10 (on housing in the countryside), Primary Policy 1 (on placemaking), Policy 3.1 and Primary Policies 4, 7 and 9 (on addressing travel demands of new development; greenhouse gas reduction; the historic environment and managing landscape change respectively).

21. Ministers agree with the Reporter that the proposed development should be considered further in terms of Primary Policy 2 and Policy 2.1 of the LDP. The Reporter considers whether the proposed development is consistent with the spatial strategy and vision of the LDP (as expected in Policy 2.1) in paragraphs 14.7-14.12 and 14.13-14.15 respectively. Ministers agree with his findings on this matter, including that the proposed development would not be consistent with the strategy and not wholly consistent with the vision (paragraphs 14.12 and 14.14 respectively).

22. Ministers agree with the Reporter's assessment of the proposed development against the LDP's sustainable development criteria (paragraph 14.16), including that it is contrary in particular to criterion 1, since it would be likely to have an adverse impact on the settlement character, and criterion 3 since it would not reduce the need to travel or reliance on the private car. Ministers agree that the proposed development does not accord overall with the sustainable development criteria.

23. Ministers agree with the Reporter's findings and conclusions regarding compliance with the Overarching Policy of the LDP (paragraphs 14.17-14.20) including that the proposed development does not wholly meet the criteria of, and in that respect would be contrary to, that policy. Ministers also agree with the Reporter

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that there is a tension within the policy given the community need to address a shortfall in the required five year effective housing land supply.

24. Ministers agree with the Reporter's conclusion that Policy 2.1 of the LDP does not favour the proposed development and that the proposed development does not accord with the development plan, for the reasons set out in paragraphs 14.22 to 14.29.

25. Ministers agree with the Reporter's assessment of the proposed development in relation to the sustainability principles of SPP paragraph 29 and in relation to paragraphs 194, 202, 76 and 203 of SPP, as set out in paragraphs 14.32 to 14.37 of the Report.

26. Ministers agree with the Reporter's findings and conclusions in respect of the adverse effects of the proposed development. Even accepting for the purposes of this decision that there is a shortfall in the effective housing land supply as large as that argued by the appellant (as summarised in paragraphs 3.17-3.48 and resulting in a calculated shortfall of around a third as noted in paragraphs 14.29 and 14.31), Ministers agree with the Reporter that (paragraph 14.38) the adverse effects of the proposed development would significantly and demonstrably outweigh its benefits, notwithstanding the steep tilt on the balance in favour of it. Ministers also agree with the Reporter that the proposed development would not be sustainable overall and that it is not supported by SPP.

27. In reaching these conclusions, Ministers should not be taken to have accepted or agreed with all of the Reporter's deductions from the audited housing supply, nor the resultant figure he calculated as representing the effective housing land supply at the 2020 audit date (paragraphs 3.83 – 3.120).

28. Ministers conclude that the proposed development does not accord with the development plan, and the material considerations do not indicate it should nonetheless be granted permission.

Formal Decision

29. Accordingly, for the reasons set out in the Report and as summarised above, Scottish Ministers hereby dismiss the appeal and refuse planning permission in principle for the proposed development.

30. This decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date of this letter. If such an appeal is made, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

31. A copy of this letter and the Reporter's report will be sent to the representatives of the planning authority and Strathblane Community Council. Those parties who lodged representations will also be informed of the decision.

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Yours faithfully



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